

# EXHIBIT 5

### **Specific Failures in Each State to Comply with HAVA**

Due to the acts of the Defendants all fifty states failed to comply with HAVA as follows:

#### **1. Alabama.**

Alabama modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Any qualified voter could cast an absentee ballot in the general election.

#### **2. Alaska**

**General election changes: Alaska modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:**

**Absentee/mail-in voting: The witness requirement was suspended.**

Alaska election changes

**October 12, 2020: State supreme court suspends absentee/mail-in ballot witness requirement**

On October 12, 2020, the Alaska Supreme Court affirmed a lower court's order suspending the state's witness requirement for absentee/mail-in ballots. On October 5, 2020, Superior Court Judge Dani Crosby ruled "application of the Witness Requirement during the pandemic impermissibly burdens the right to vote." The plaintiffs to the original lawsuit—including the Arctic Village Council and the League of Women Voters of Alaska—argued that they and other voters "should not be forced to choose between risking exposure to COVID-19 through complying with the Witness Requirement or forgoing their right to vote." The defendants said the plaintiffs "waited too long to seek relief from the court and that the doctrine of laches requires the court to dismiss their complaint." Under the laches doctrine, a party is not entitled to pursue a claim if the plaintiff has "unreasonably delayed in bringing the action." The state supreme court did not explain its reasoning in its

October 12, 2020, order, saying that a full opinion on the matter would be forthcoming.

**March 20, 2020: Alaska Democrats cancel in-person voting and extend vote-by-mail deadline for presidential preference primary**

On March 20, 2020, the [Democratic Party of Alaska](#) announced the cancelation of in-person voting in its presidential preference primary, originally scheduled for April 4, 2020, opting instead to conduct all voting by mail. The party extended the vote-by-mail ballot receipt deadline to April 10, 2020.

**3. Arizona**

**General election changes**

Arizona modified its voter registration procedures for the November 3, 2020, general election as follows:

**Voter registration:** Voters had until 5:00 p.m. on October 15, 2020, to register to vote. In all aspects Arizona failed to meet the identification requirements with mail in ballots, and mail in registration, as well as failed to obtain and then maintain identification documents with the mail in ballot for first time voters in a federal election.

**Arizona election changes**

**October 6, 2020: Ninth Circuit reverses lower court's extension of period during which voters can add missing signatures to vote-by-mail ballots**

On October 6, 2020, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit reversed a lower court's order that would have allowed voters up to five days to provide missing signatures for absentee/mail-in ballots. The plaintiffs had argued that Arizona's Election Day deadline for curing unsigned absentee/mail-in ballot envelopes violated the Fourteenth Amendment by "unjustifiably burdening the right to vote" and "denying procedural due process."

**4. Arkansas.**

### **General election changes**

Arkansas modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Voters in the general election could cite concerns over COVID-19 as a valid excuse for voting absentee.

#### [Arkansas election changes](#)

### **August 7, 2020: Governor issues executive order allowing voters to cite concerns over COVID-19 as a valid excuse for voting absentee**

On August 7, 2020, Governor [Asa Hutchinson](#)(R) issued an executive order extending absentee ballot eligibility to all voters in the November 3, 2020, general election "who conclude their attendance at the polls may be a risk to their health or the health of others due to the COVID-19 pandemic." The order formalized a policy first announced by Hutchinson and Secretary of State [John Thurston](#) (R) on July 2, 2020.<sup>[24]</sup>

### **July 2, 2020: Governor, secretary of state announce voters can cite concerns over COVID-19 as a valid excuse for voting absentee**

On July 2, 2020, Gov. [Asa Hutchinson](#) (R) and Secretary of State [John Thurston](#) (R) announced that voters in the November 3, 2020, election would be allowed to cite concerns over COVID-19 as a valid excuse for voting absentee. Hutchinson said, "They just simply have a concern, a fear of going to the polling place because of the COVID-19, that's enough of a reason." Hutchinson said he did not intend to issue an executive order on the matter.<sup>[25]</sup>

## **5. California.**

### **General election changes**

California modified its absentee/mail-in and in-person voting procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Mail-in ballots were sent to all registered voters in the general election.

#### [California election changes](#)

**August 6, 2020: Governor signs legislation making modifications to administration procedures for the November 3, 2020, general election**

On August 6, 2020, Governor [Gavin Newsom](#)(D) signed SB 423 into law, making a number of modifications to administration procedures for the November 3, 2020, general election:<sup>[27]</sup>

Authorize counties to defer opening vote centers until the third day before the election (state statutes provide for vote centers to open 10 days before the election in counties conducting all balloting by mail)

**June 18, 2020: Governor signs legislation requiring county election officials to send mail-in ballots to all registered voters in the November 3, 2020, general election**

On June 18, 2020, Governor Gavin Newsom (D) signed AB860 in law, requiring county election officials to mail absentee/mail-in ballots to all registered voters in the November 3, 2020, general election. On May 8, 2020, Newsom had issued an executive order to the same effect.

**June 3, 2020: Governor issues executive order authorizing counties to consolidate polling places in November 3, 2020, general election**

On June 3, 2020, Governor [Gavin Newsom](#) (D) issued an executive order giving counties permission to consolidate polling places in the November 3, 2020, general election, provided they offer three days of early voting. Newsom authorized counties to operate one polling place per 10,000 registered voters, provided that those locations be open eight hours per day from October 31, 2020, to November 2, 2020, for early voting.

**May 8, 2020: Governor issues executive order providing for all-mail balloting in November 3, 2020, general election**

On May 8, 2020, Governor [Gavin Newsom](#) (D) signed an executive order directing county election officials to send mail-in ballots to all registered voters in the November 3, 2020, general election. Newsom announced that in-person voting locations would still be available. The full text of the press release accompanying the executive order is presented below.

## 6. Colorado.

### General election changes

Colorado did not modify any procedures for the November 3, 2020, general election.

## 7. Connecticut

### General election changes

Connecticut modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Absentee/mail-in ballot applications were sent to all registered voters in the general election. Voters could cite concern over COVID-19 as a reason for voting absentee in the general election.

### Connecticut election changes

#### **August 10, 2020: Connecticut governor issues executive order extending absentee ballot deadlines in the August 11, 2020, primary election**

On August 10, 2020, Governor [Ned Lamont](#) (D) issued an executive order directing election officials to accept absentee ballots postmarked by August 11, 2020, and delivered by August 13, 2020. The order applied only to the August 11, 2020, primary election.<sup>[37]</sup>

#### **July 31, 2020: Connecticut governor signs legislation extending absentee voting eligibility for November 3, 2020, general election**

On July 31, 2020, Governor [Ned Lamont](#) (D) signed HB6002 into law, allowing voters to cite concern over COVID-19 as a reason for voting by absentee ballot in the November 3, 2020, general election. The legislation provided for the following additional administration modifications to the November 3, 2020, general election:<sup>[38][39]</sup>

- "requires town clerks to designate, and authorize absentee voters to return absentee ballots to, drop boxes"
- "authorizes the secretary of state, subject to certain conditions, to waive mandatory supervised absentee voting requirements"

## 8. Delaware

### **General election changes**

Delaware modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Vote-by-mail applications were sent to all registered voters in the general election.

### **Delaware election changes**

**July 1, 2020: Governor signs legislation providing for automatic vote-by-mail applications to be sent to all qualified voters in the 2020 primary, general, and special elections**

On July 1, 2020, Governor John Carney (D) signed HB346 into law, providing for the state election commission to deliver a vote-by-mail application to every qualified voter in the 2020 primary, general, and special elections.

## 9. Florida.

### **General election changes**

Florida modified its voter registration procedures for the November 3, 2020, general election as follows:

**Voter registration:** The voter registration deadline was extended to October 6, 2020. Florida failed to collect first time mail in voter information / administer processes as required in Help America Vote Act Sec. 303.

## 10. Georgia.

### **General election changes**

Georgia modified its absentee/mail-in voting procedures. Georgia mailed out absentee ballot forms to all voters, and failed to conduct the requirements to obtain identification, and qualification questions / answers pursuant to Sec. 303 of Help America Vote Act.

## 11. Guam.

### **General election changes**

Guam did not modify any procedures for the November 3, 2020, general election.

## 12. Hawaii.

### **General election changes**

Hawaii did not modify any procedures for the November 3, 2020, general election.

## 12. Idaho.

### **General election changes**

Idaho did not modify any procedures for the November 3, 2020, general election.

## 13. Illinois

### **General election changes**

Illinois modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Mail-in ballot applications were sent to all registered voters in the general election who cast ballots in the 2018 general election, the 2019 consolidated election, or the 2020 primary election.

### [Illinois election changes](#)

#### **June 16, 2020: Governor signs legislation directing local election officials to send vote-by-mail ballot applications to all recent voters in the November 3, 2020, general election**

On June 16, 2020, Governor [J.B. Pritzker](#) (D) signed SB 863 and HB2238 into law, requiring local election officials to deliver vote-by-mail applications to all voters who cast ballots in the 2018 general election, the 2019 consolidated election, or the 2020 primary election. The legislation also expanded early voting hours at permanent polling places and authorized curbside voting. The law's provisions were set to apply to the November 3, 2020, general election.

## 14. Indiana

### **General election changes**

Indiana did not modify any procedures for the November 3, 2020, general election.

## 15. Iowa.

### **General election changes**



Iowa modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Absentee ballot application forms were sent to all registered voters in the general election.

**16. Kansas.**

**General election changes**

Kansas did not modify any procedures for the November 3, 2020, general election.

**17. Kentucky**

**General election changes**

Kentucky modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- Absentee/mail-in voting: Absentee/mail-in voting eligibility was extended to all voters "concerned with contracting or spreading COVID-19."
- Kentucky under executive order mandated unattended ballot drop boxes failing to conduct the identification / information gathering requirements of Sec. 303.

**Kentucky election changes**

**August 14, 2020: Governor, secretary of state announce changes for November 3, 2020, general election**

On August 14, 2020, Governor [Andy Beshear](#)(D) and Secretary of State [Michael Adams](#) (R) announced the following changes for the November 3, 2020, general election:<sup>[92][93]</sup>

Absentee/mail-in voting:

"Kentuckians concerned with contracting or spreading COVID-19 can request a ballot by mail."

"An online portal will launch within the week to allow Kentuckians to request a ballot by mail. Ballots can be requested through the portal through Oct. 9, and through traditional means after."

"Mail ballots must be postmarked by Election Day, Nov. 3, and received by Nov. 6."

"Drop boxes will be available for Kentuckians to return their mail ballots if they are concerned about postal delays. County clerks will determine these locations."

Early voting: "Beginning Oct. 13, three weeks before the election, every work day between Oct. 13 and Election Day, and every Saturday for at least four hours, every county clerk will provide a location for safe in-person voting."

"Early voting is not absentee voting – anyone can vote early for any reason."

Election Day voting: "County election officials will decide election sites on Election Day. The State Board of Elections, Secretary of State and Governor will approve each plan."

"Every county will have at least one voting super-center, where everyone from the county can go to vote, regardless of his or her precinct."

Voter identification: "Kentuckians who were unable to get a driver's licenses or photo ID due to the pandemic because their clerk's office was closed, or because they were afraid of exposing themselves to COVID-19, can sign a document explaining this concern and cast their ballot."

## **18. Louisiana**

### **General election changes**

Louisiana modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** The absentee ballot application used in the general election included COVID-19 specific reasons for requesting an absentee ballot. Due to this Louisiana failed to collect first time mail-in and identification criteria as stipulated in Sec. 303.

## **19. Maine.**

### **General election changes**

Maine modified its voter registration procedures for the November 3, 2020, general election as follows:

**Voter registration:** The voter pre-registration deadline in the general election was extended to October 19, 2020. In a manner that did not violate HAVA.

## **20. Maryland**

### **General election changes**

Maryland modified its absentee/mail-in and candidate filing procedures, early voting, and polling places for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** Absentee/mail-in ballot request forms sent to all qualified voters in the general election. The return deadline for absentee/mail-in ballot requests was October 20, 2020.

**Polling places:** All early voting centers and Election Day polling locations were open on November 3, 2020. The Maryland State Board of Elections operated a limited number of centralized voting centers in lieu of precinct polling places for in-person voting in the general election. Failing to monitor ballot boxes, and failing to collect required data in Sec. 303.

**August 10, 2020: Governor authorizes state board of elections to use centralized voting centers in lieu of precinct polling places**

On August 10, 2020, Governor [Larry Hogan](#) (R) issued an executive order authorizing the Maryland State Board of Elections to operate a limited number of centralized voting centers in lieu of precinct polling places for in-person voting in the November 3, 2020, general election. The state board of elections announced that approximately 350 vote centers would be operational on Election Day.

**21. Massachusetts.**

**General election changes**

Massachusetts modified its absentee/mail-in procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Absentee/mail-in voting eligibility was extended to all qualified voters in the general election.

**22. Michigan.**

**General election changes**

Michigan modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Absentee ballot applications were sent to all registered voters in the general election. Failing to collect first time federal voter data / identification with ballot requirements, and failure to maintain the combined ID and Ballot as required in Sec. 303.

**23. Minnesota.**

**General election changes**

Minnesota modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** The absentee/mail-in ballot postmark deadline was extended to November 3, 2020; the receipt deadline was extended to November 10, 2020. The witness requirement for absentee/mail-in ballots was suspended.

### [Minnesota election changes](#)

#### **October 29, 2020: Federal appeals court suggests absentee/mail-in ballot return deadline unconstitutional**

On October 29, 2020, a three-judge panel of the U.S. Court of Appeals for the Eighth Circuit ruled 2-1 that the extension of Minnesota's absentee/mail-in ballot return deadline was likely unconstitutional "because the Secretary [of State] extended the deadline for receipt of ballots without legislative authorization." The court stopped short of invalidating the extension, however, instead directing officials to keep ballots received after November 3, 2020, separate from the others "in the event a final order is entered by a court of competent jurisdiction determining such votes to be invalid or unlawfully counted." Judges [Bobby Shepherd](#) and [Steven Grasz](#) formed the majority. Judge [Jane Kelly](#) dissented.<sup>[141]</sup>

On October 30, 2020, Secretary of State [Steve Simon](#) (D) said he would not appeal the decision immediately: "While Minnesota will comply with the Eight Circuit's ruling to segregate the ballots received after November 3, 2020, we need to emphasize that there is no court ruling yet saying those ballots are invalid. We absolutely reserve the right to make every argument after Election Day that protects voters."

## **24. Mississippi**

### **General election changes**

Mississippi modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Any individual under a physician-ordered quarantine, or an individual caring for a dependent under quarantine, due to

COVID-19 was eligible to vote by absentee ballot. The absentee ballot postmark deadline was extended to November 3, 2020, and the receipt deadline to November 10, 2020. Failing to collect information / identification / data as required in Sec. 303.

### Mississippi election changes

#### **July 8, 2020: Governor signs legislation making changes to absentee voting procedures**

On July 8, 2020, Governor [Tate Reeves](#) (R) signed HB1521 into law. The legislation extended the postmark deadline for absentee ballots to November 3, 2020, and the receipt deadline to November 10, 2020. The legislation also established that an individual under a physician-ordered quarantine, or an individual caring for a dependent under quarantine, due to COVID-19 was eligible to vote by absentee ballot.

## **25. Missouri**

### **General election changes**

Missouri modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Any registered voter could cast an absentee ballot (subject to a notarization requirement) in the general election. Failing to collect data / first time voter in violation of Sec. 303.

## **26. Montana.**

### **General election changes**

Montana modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Counties were authorized to conduct the general election entirely by mail. Failing to collect 'first time federal voter' data criteria.

**August 6, 2020: Montana governor issues directive allowing counties to conduct November general election by mail**

On August 6, 2020, Governor [Steve Bullock](#) (D) issued a directive permitting counties to conduct the November 3, 2020, general election entirely by mail. Bullock also authorized counties to expand early voting opportunities for the general election. The directive did not mandate that counties adopt these measures, leaving implementation to their discretion.

**27. Nebraska.**

**General election changes**

Nebraska modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Mail-in ballots were sent to all registered voters in the general election.

**August 19, 2020: Nebraska to mail early/mail-in ballot applications to all voters in advance of the November 3, 2020, general election**

On August 19, 2020, Secretary of State [Bob Evnen](#) (R) announced that his office would automatically send early/mail-in ballot applications to all registered voters in the November 3, 2020, general election whose home counties had not already done so.

**28. Nevada**

**General election changes**

Nevada modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Mail-in ballots were sent to all registered voters in the general election.

**August 3, 2020: Governor signs legislation providing for mail-in ballots to be sent automatically to all voters in the November 3, 2020, general election**

On August 3, 2020, Governor [Steve Sisolak](#) (D) signed AB4 into law, directing election officials to distribute mail-in ballots automatically to all active registered voters in the November 3, 2020, general election.

## **29. New Hampshire**

### **General election changes**

New Hampshire modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Any voter could request an absentee ballot based on concerns related to COVID-19. Voters could submit one absentee ballot application for both the primary and general elections. And failing to compile first time voter, and ID requirements as required in Sec. 303.

## **30. New Jersey.**

### **General election changes**

New Jersey modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Mail-in were ballots sent to all registered voters in the general election.

### **August 28, 2020: Governor signs bills into law making modifications to absentee/mail-in voting in the general election**

On August 28, 2020, Governor [Phil Murphy](#) (D) signed three bills into law, making a number of modifications to the state's absentee/mail-in voting procedures for the November 3, 2020, general election.

- i. [A4475/S2580](#): Requires county election officials to provide for ballot drop-boxes at least 45 days before the election.
- ii. [A4276/S2598](#): Establishes procedures by which voters can cure their ballots (i.e., correct issues that might lead to a ballot being invalidated).
- iii. [A4320/S2633](#): Extends the ballot receipt deadline for ballots postmarked on or before Election Day to 144 hours after the close of polls on Election Day (i.e.,



November 9, 2020). Establishes the receipt deadline for ballots without postmarks as 48 hours after the close of polls (i.e. November 5, 2020).

Which violates section 303 requirements on multiple points.

**August 14, 2020: New Jersey to send mail-in ballots automatically to all voters in the November 3, 2020, election**

On August 14, 2020, Governor [Phil Murphy](#) (D) announced that the state would automatically send mail-in ballots to all voters in the November 3, 2020, general election. Secretary of State [Tahesha Way](#) (D) said that ballots would be mailed in the first week of October. It was also announced that all schools, many of which traditionally serve as polling sites on Election Day, would be closed to in-person instruction on November 3, 2020.

**31. New Mexico.**

**General election changes**

New Mexico modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Absentee ballot applications were sent to all registered voters in the general election. Violating all aspects of section 303.

**June 26, 2020: Governor signs law authorizing county clerks to mail absentee ballot applications automatically to voters in the November 3, 2020, general election**

On June 26, 2020, Gov. [Michelle Lujan Grisham](#) (D) signed SB4 into law, authorizing county clerks to mail absentee ballot applications automatically to registered, mailable voters in the November 3, 2020, general election.

**32. New York.**

**General election changes**

New York modified its absentee/mail-in voting procedures for the November 3, 2020 in a manner which graphically violated multiple requirements of Sec. 303, general election as follows:

- **Absentee/mail-in voting:** Absentee voting eligibility in the general election was extended to any voter who was "unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease-causing illness to the voter or to other members of the public." The state launched an absentee ballot request portal.

#### New York election changes

##### **September 18, 2020: State expands ballot curing provisions for the general election**

On September 18, 2020, the League of Women Voters of New York reached a settlement agreement with state election officials over ballot curing provisions for the November 3, 2020, general election. Under the terms of the settlement, the following were established as curable issues:

- i. Unsigned affirmation envelope
- ii. Mismatch between signature on file and that on the affirmation envelope
- iii. Ballot returned without an affirmation envelope
- iv. Affirmation envelope signed by a person providing assistance but not by the voter
- v. Affirmation envelope signed by a person other than the voter (e.g., power-of-attorney)
- vi. Affirmation envelope missing witness signature if the voter made his or her mark instead of signing

For ballots with curable issues received by officials before the day of the election, the deadline for curing defects was established as either the last day for applying for an absentee ballot, or within seven business days of the voter being notified of issues by mail, whichever is later. For ballots with curable issues received on or

after Election Day, the deadline for curing defects was established as within five days of the voter being notified by mail, email, or phone.

**September 8, 2020: Governor announces availability of absentee ballot return drop boxes**

On September 8, 2020, Governor [Andrew Cuomo](#) (D) announced that he would sign an executive order providing for the installation of absentee ballot return drop boxes at more than 300 locations statewide.

**September 1, 2020: Governor announces launch of online portal for absentee ballot requests for the general election**

On September 2, 2020, Governor [Andrew Cuomo](#) (D) announced the launch of an online absentee ballot request portal for the November 3, 2020, general election.

**August 24, 2020: Governor issues executive order directing county officials to make preparations for absentee voting**

On August 24, 2020, Governor [Andrew Cuomo](#) (D) issued an executive order directing county election officials to "take concrete steps to inform voters of upcoming deadlines, be prepared for upcoming elections, and help ensure absentee ballots can be used in all elections." Specifically, Cuomo directed counties to do the following:

- vii. "Send a mailing outlining all deadlines for voters by Tuesday, September 8."
- viii. "Send staffing plans and needs to the New York State Board of Elections by September 20 so BOE can assist in ensuring adequate coverage."
- ix. "Adopt a uniform clarified envelope for absentee ballots and require counties to use it."
- x. "Count votes faster: require all objections to be made by the county board in real time, make sure that boards are ready to count votes and reconcile affidavit and absentee ballots by 48 hours after elections."

- xi. "Provide an option for New Yorkers to vote absentee in village, town, and special district elections."

**August 20, 2020: Governor signs legislation altering absentee voting procedures for November 3, 2020, election**

On August 20, 2020, Governor [Andrew Cuomo](#)(D) signed into law three bills making changes to the state's absentee voting procedures in the November 3, 2020, general election. The legislation extended absentee voting eligibility in that election to any voter who is "unable to appear personally at the polling place of the election district in which they are a qualified voter because there is a risk of contracting or spreading a disease-causing illness to the voter or to other members of the public." The legislation also opened the absentee ballot request period immediately and set November 3, 2020, as the postmark deadline for returning completed ballots.

**33. North Carolina.**

**General election changes**

North Carolina modified its absentee/mail-in voting and early voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** The witness signature requirement on completed absentee ballots decreased from two to one. The receipt deadline was extended to 5 p.m. on November 12, 2020, for ballots postmarked on or before Election Day.

**October 19, 2020: State board of elections issues new guidance on absentee/mail-in voting**

On October 19, 2020, the North Carolina State Board of Elections directed counties to accept absentee/mail-in ballots received by 5 p.m. on November 12, 2020, and postmarked on or before Election Day. The state board of elections also issued new guidance on how voters can resolve problems with their absentee/mail-in ballots.

Under the new guidance, county election boards were directed to do the following:

- i. If a voter returned a ballot without a witness signature, the county was directed to send the voter a new ballot. The original ballot was to be discarded.
- ii. If a voter returned a ballot with any of the following deficiencies, the county was directed to "send the voter a certification to sign and return to ensure the ballot is counted." These certifications had to be received by the voter's county election board by 5 p.m. on November 12, 2020.
  1. Voter failed to sign the return envelope or signed the envelope in the incorrect place.
  2. Witness failed to provide his or her printed name.

#### 34. North Dakota

##### **General election changes**

North Dakota did not modify any procedures for the November 3, 2020, general election but had existing procedures nonetheless failed to meet the minimum requirements of HAVA.

#### 35. Ohio

##### **General election changes**

Ohio modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Absentee ballot applications could be submitted by fax or email for the general election.
- [Ohio election changes](#)

**October 2, 2020: State appeals court says secretary of state has discretion to determine limits on absentee/mail-in ballot drop boxes**

On October 2, 2020, a three-judge panel of the Ohio 10th District Court of Appeals ruled that Ohio Secretary of State Frank LaRose (R) could direct counties to offer multiple drop-box locations for returning absentee/mail-in ballots. The panel stopped short of requiring LaRose to do so, overturning a lower court decision to that effect.<sup>[229]</sup>

On October 5, 2020, Ohio Secretary of State Frank LaRose (R) announced that counties would be allowed to offer multiple drop-off options for returning absentee/mail-in ballots. LaRose said that these options would be restricted to one site per county.<sup>[230]</sup>

**September 16, 2020: State judge enjoins state limitation on absentee/mail-in ballot drop boxes, stays order pending appeal**

On September 16, 2020, Judge Richard A. Frye, of the Franklin County Court of Common Pleas, ordered Secretary of State Frank LaRose (R) to stop directing counties to provide no more than one absentee/mail-in ballot drop box per county. However, Frye immediately stayed his order in anticipation of an appeal by LaRose and in keeping with Ohio law, which "obligates an Ohio court to stay a judgment when appeal is taken by a state agency or officer." LaRose filed his appeal with the Ohio Court of Appeals for the Tenth Appellate District on September 21, 2020.

November 3, 2020, general election. The full text of McIntosh's order can be accessed [here](#).<sup>[235]</sup>

**August 12, 2020: Secretary of state directs counties to provide one drop-box for absentee/mail-in ballots**

On August 12, 2020, Secretary of State [Frank LaRose](#) (R) directed each county election board to provide one drop-box for absentee/mail-in ballots in the November 3, 2020, general election. LaRose included this directive in a document outlining health guidelines for county election boards.

**36. Oklahoma**

### **General election changes**

Oklahoma modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Voters casting absentee ballots could submit copies of their identification in lieu of fulfilling the notarization requirement in the event of a state of emergency occurring within 45 days of an election. Individuals experiencing symptoms indicative of COVID-19, and individuals classified as vulnerable to infection, could cast an absentee ballot under the 'physical incapacitation' eligibility criterion.

### **August 28, 2020: Governor extends state of emergency, triggering absentee voting modifications for the general election**

On August 28, 2020, Governor [Kevin Stitt](#) (R) issued an executive order extending Oklahoma's state of emergency by 30 days. This triggered the implementation of the following modifications to Oklahoma's absentee ballot procedures: permitted voters to submit copies of their identification in lieu of fulfilling the notarization requirement; specified that individuals experiencing symptoms indicative of COVID-19, and individuals classified as vulnerable to infection, could cast an absentee ballot under the 'physical incapacitation' eligibility category.

Oklahoma failed in all aspects of collecting first time voter / registration for mail in voting in federal elections as stipulated in Sec. 303.

### **37. Oregon.**

#### **General election changes**

Oregon did not modify any procedures for the November 3, 2020, general election.

### **38. Pennsylvania.**

#### **General election changes**

Pennsylvania modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

**Absentee/mail-in voting:** The mail-in ballot receipt deadline for the general election was extended to November 6, 2020. Drop boxes were made available to return ballots. The state provided prepaid return postage for all mail-in and absentee ballots. Failed to collect federal data regarding first time voter's in a federal election as stipulated in Sec. 303.

#### **39. Puerto Rico.**

##### **General election changes**

Puerto Rico did not modify any procedures for the November 3, 2020, general election.

#### **40. Rhode Island.**

##### **General election changes**

Rhode Island modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Mail-in ballot applications were sent to all registered voters in the general election. Witness or notary requirements were suspended for mail-in ballots. Failing to collect data as required in Sec. 303.

##### **September 11, 2020: Secretary of state announces plan to send all active registered voters absentee/mail-in ballot applications in the general election**

On September 11, 2020, Secretary of State [Nellie Gorbea](#) (D) announced that her office would send absentee/mail-in ballot applications to all active registered voters in the November 3, 2020, general election. Gorbea also announced that Governor Gina Raimondo (D) had authorized the Rhode island National Guard "to assist in processing what is expected to be a record number of mail ballot applications for the November 3 general election."

#### **41. South Carolina.**



### **General election changes**

South Carolina modified its absentee/mail-in and in-person voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Any eligible voter could request an absentee ballot for the general election. Return postage for all mailed absentee ballots was prepaid. Failure to collect first time federal voter / voter ID with Ballot criteria, and failure to keep all ballots with ID /mail in as required in Sec. 303.

### **September 16, 2020: Governor signs legislation extending absentee voting eligibility to all voters in the November 3, 2020, general election**

On September 16, 2020, Governor [Henry McMaster](#) (R) signed H5305 into law, extending absentee voting eligibility to all qualified electors in the November 3, 2020, general election. The legislation also established October 5, 2020, as the start date for in-person absentee voting (i.e., early voting).

## **42. South Dakota.**

### **General election changes**

South Dakota did not modify any procedures for the November 3, 2020, general election but had existing procedures nonetheless failed to meet the minimum requirements of HAVA.

## **43. Tennessee**

### **General election changes**

Tennessee modified its absentee/mail-in voting procedures and voter identification rules for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Individuals "with a special vulnerability to COVID-19" and "caretakers for individuals with a special vulnerability to COVID-19" were deemed to meet the existing statutory criteria for absentee voting eligibility. A law requiring first-time voters to vote in person was temporarily suspended.

## **44. Texas.**

### **General election changes**

Texas modified its absentee/mail-in voting, and early voting procedures for the November 3, 2020, general election in manner that likely did not violate Section 303, but a total review of the state may show a failure to obtain first time voters who arrived from other states. Discovery required.

### **45. Utah.**

### **General election changes**

Utah modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** The third-party collection and return of absentee ballots was restricted to individuals residing in the same household as the voter. Utah's handling of absentee and mail in ballots, failure to collect required data, and failure to interview first time voters violated Sec. 303.
- [Utah election changes](#)
  - August 31, 2020: Governor signs legislation making changes to administration of November 3, 2020, general election**
  - On August 31, 2020, Governor [Gary Herbert](#) (R) signed SB6007 into law. The legislation made several temporary changes to administration procedures for the November 3, 2020, general election:
    - "A county is required to provide in-person voting, for both early voting and on election day, by traditional voting or outdoor voting."
    - "Requires the lieutenant governor's office to: issue protocols to protect the health and safety of voters and government employees, including poll workers, in the conduct of the 2020 regular general election; and conduct a campaign to educate the public on the provisions of this bill and to encourage voting by mail."
    - "Authorizes the lieutenant governor's office to make other modifications relating to deadlines, locations, and methods of conducting the 2020 regular

general election to the extent the modifications are necessary to carry out the provisions of this bill."

"Restricts third-party collection and return of absentee ballots in most instances to individuals residing in the same household as the voter."

#### **46. Vermont.**

##### **General election changes**

Vermont modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Mail-in ballots were sent to all registered voters in the general election. Vermont failed to collect first time voter interview information, and obtain voter identification requirements as stipulated in Sec. 303.

##### **July 20, 2020: Vermont to send mail-in ballots to all eligible voters in the November 3, 2020, general election**

On July 20, 2020, Vermont Secretary of State [Jim Condos](#) (D) issued a directive that a mail-in ballot be sent automatically to every active registered voter in the November 3, 2020, general election. The directive made a number of other procedural modifications to both the August 11, 2020, primary election and the November 3, 2020, general election. T

##### **July 2, 2020: Legislation enacted authorizing secretary of state to implement election changes without governor's approval**

On July 2, 2020, S348 became law without the signature of Gov. Phil Scott (R). The legislation authorized the secretary of state to implement modifications to election procedures without the approval of the governor. The legislation was set to apply only to 2020 elections.

#### **47. Virginia.**

##### **General election changes**

Virginia modified its absentee/mail-in voting and candidate filing procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Drop-boxes to return absentee and mail-in ballots were used for the general election. The witness requirement for absentee voting was suspended, and all absentee and mail-in ballots had prepaid return postage.

**September 4, 2020: Governor signs law providing for absentee/mail-in ballot return drop-boxes, prepaid return postage**

On September 4, 2020, Governor [Ralph Northam](#) (D) signed into law legislation providing for the use of drop-boxes to return absentee/mail-in ballots. The enacted legislation also provided for prepaid return postage.<sup>[359]</sup>

**August 5, 2020: Witness requirement for absentee ballots suspended in the November 3, 2020, general election**

On August 5, 2020, the parties in *League of Women Voters of Virginia v. Virginia State Board of Elections* reached a settlement providing for the suspension of the Virginia's witness requirement for absentee ballots in the November 3, 2020, general election. Under the terms of the settlement, state election officials agreed not to enforce the statutory requirement that an absentee voter have another individual "sign the absentee ballot envelope next to the voter's statement and signature." A federal judge approved the terms of the settlement on August 21, 2020.

**48. Washington.**

**General election changes**

Washington did not modify any procedures for the November 3, 2020, general election.

**49. Washington, D.C.**

**General election changes**

- **Absentee/mail-in voting:** Absentee/mail-in ballots were sent automatically to all registered voters in the general election. Washington DC failed to meet any of the requirements as stipulated and mandated in Sec. 303.

**June 17, 2020: Washington, D.C., to send all registered voters absentee/mail-in ballots in advance of November 3, 2020, general election**

On June 17, 2020, the District of Columbia Board of Elections announced that it would automatically send absentee/mail-in ballots to all registered voters in the November 3, 2020, general election.

**50. West Virginia.**

**General election changes**

West Virginia modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** All voters "concerned about their health and safety because of COVID-19" were eligible to vote absentee in the general election. An online absentee ballot request portal was created.

**July 27, 2020: West Virginia expands absentee voting eligibility, creates online application portal for November 3, 2020, general election**

On July 27, 2020, West Virginia Secretary of State [Mac Warner](#) (R) announced that all voters "concerned about their health and safety because of COVID-19" would be eligible to vote absentee in the November 3, 2020, general election. Warner also announced the implementation of online absentee ballot request portal for the general election.

**51. Wisconsin.**

**General election changes**

Wisconsin modified its absentee/mail-in voting procedures for the November 3, 2020, general election as follows:

- **Absentee/mail-in voting:** Absentee and mail-in ballot applications were sent to most registered voters in the general election.

## **52. Wyoming.**

### **General election changes**

Wyoming did not modify any procedures for the November 3, 2020, general election.